IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: N. Krause et al.)
Serial No.: To be Assigned) Group Art Unit: To be Assigned
Filed: To be Assigned) Examiner: To be Assigned
For: Computer-Aided Bone Distraction) Attorney Docket No.: CMV-005.03) (23650-503)

Mail Stop: Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.56 and 1.97

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants and/or their Attorney in compliance with the requirements of 37 C.F.R. § 1.56. Applicants respectfully request that the Examiner consider the listed documents and indicate they were considered by making appropriate notations on the attached Form PTO-1449.

Copies of the references are not provided as they were previously cited by or submitted to the office in prior patent application serial no. 09/545,685, filed April 7, 2000, and relied upon for an earlier filing date under 35 U.S.C. §120.

In compliance with the requirements of 37 C.F.R. §§ 1.56 and 1.97, Applicants have cited for the Examiner's consideration co-pending U.S. patent applications that are owned at least in part by the assignee of this application and that describe subject matter related to the present application. The co-pending applications are listed herewith in accordance with M.P.E.P. 609 III.D which states: "Applicants may wish to list U.S. patent application numbers on other than Form PTO-1449 or PTO/SB/08A format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been

considered by the Examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

No copies of the co-pending applications have been provided. If the Examiner wishes to have copies of the co-pending applications, the Examiner should contact the Attorney of record.

Our Docket #	Serial #	Date Filed	Title
CMV-005.01	09/694,665	October 23, 2000	Computer-Aided Orthopedic Surgery
CMV-005.02	09/545,685	April 7, 2000	Computer-Aided Bone Distraction
CMV-005.04	To be Assigned	On or about August 6, 2003	Computer-Aided Orthopedic Surgery

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that the cited documents are material or constitute "prior art." If the Examiner applies the listed documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute prior art under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicant further reserves the right to take appropriate action to establish the patentability of the claimed subject matter over the listed documents, should one or more of the referenced documents be applied against the claims of the present application.

No fee is believed due. If a fee is occasioned or if extensions of time are necessary, please charge any fee deficiency or credit any overpayment to Deposit Account, No. 06-1448, Ref. CMV-005.03.

Date: <u>August 7, 2003</u>

Customer No: 25181

Patent Group Foley Hoag LLP 155 Seaport Blvd. Boston, MA 02110 Tel. (617) 832-1000

Fax (617) 832-7000

Respectfully Submitted

Kevin A. Oliver

Sheet 1 of 9 Form PTO-1449 Docket Number (Optional) Application Number INFORMATION DISCLOSURE CITATION CMV-005.03 (23650-503) To be Assigned Applicant IN AN APPLICATION N. Krause et al. (Use several sheets if necessary) Filing Date HEREWITH Group Art Unit To be Assigned U.S. PATENT DOCUMENTS **EXAMINER** FILING DATE DOCUMENT NUMBER DATE NAME **CLASS SUBCLASS** IF APPROPRIATE INITIAL 5,251,127 10/93 Raab AA 5,279,309 01/18/94 Taylor, et al. AΒ 5,526,812 06/18/96 Dumoulin et al. AC Nafis et al. 04/21/98 5,740,802 AD Funda et al. 5,749,362 05/12/98 ٩E 06/16/98 5,765,561 Chen, et al. AF 06/23/98 5,769,092 Williamson, Jr. AG Peshkin et al. 5,799,055 08/25/98 ΑH 09/15/98 Mittelstadt 5,806,518 ΑI 5,824,085 10/20/98 Sahay et al. ΑJ 02/16/99 5,871,018 Delp et al. ٩K FOREIGN PATENT DOCUMENTS Translation DOCUMENT NUMBER DATE **COUNTRY CLASS SUBCLASS** YES

NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages Etc.) Abovitz, "Human-Interactive Medical Robotics," presented Fourth Annual North American Program on Computer Assisted Orthopaedic Surgery (June 15-17, 2000) Barr, A. H., "Global and Local Deformations of Solid Primitives," Computer Graphics, Vol. 18:3, pp. 21-31 (July AM 1984) Barrick, et al., "TOSCO Technique of Orthopaedic Surgery Computer Assistance Iliosacral Screw Insertion," presented Fourth Annual North American Program on Computer Assisted Orthopaedic Surgery (June 15-17, 2002)

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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

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